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11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON
13

14 JEREMY OLSEN,

15 Plaintiff,

16 v.

17 XAVIER BECERRA, in his official
18 capacity as Secretary of the United States
19 Department of Health and Human
20 Services,

21 Defendant.

No. 2:21-CV-00326-SMJ

DECLARATION OF
KAREN GRASSO

22 I, Karen Grasso, hereby declare as follows:

23 1. I am over the age of 18 and competent to testify herein. I have personal
24 knowledge of the facts set forth below.

25 2. I am employed Noridian Healthcare Solutions, LLC (“Noridian”). My
26 job title is Deputy Project Manager.

27 3. Noridian is a Medicare Administrative Contractor (“MAC”) for the
28 Centers for Medicare & Medicaid Services (“CMS”). One of the functions Noridian

1 performs as a MAC is processing claims for reimbursement submitted by Medicare
2 Part B beneficiaries.

3 4. Plaintiff Jeremy Olsen is one of the Medicare Part B beneficiaries for
4
5 whom Noridian processes reimbursement claims.

6 5. I have reviewed the status report that Plaintiff submitted on March 22,
7 2022, which is filed at ECF No. 35. In that status report, Plaintiff references two
8 reimbursement claims for continuous glucose monitor (“CGM”) sensors that were
9 processed by Noridian: (1) a claim with a date of service of October 13, 2021 (the
10 “October 2021 claim”); and (2) a claim with a date of service of January 24, 2022
11 (the “January 2022 claim”). It is my understanding that neither of those claims are
12 directly at issue in this lawsuit.
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15 6. The October 2021 claim was paid by Noridian on December 27, 2021.
16 Payment was issued under claim number 21288839976002. This was a new iteration
17 of the claim number that Noridian created after it erroneously denied the claim under a
18 prior iteration, 21288839976001.
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21 7. Attached hereto as **Exhibit A** is a true and correct copy of a remittance
22 notice that Noridian issued to MiniMed Distribution Corp. (“MiniMed”), on
23 December 30, 2021. MiniMed is the company that supplied the CGM sensors that are
24 the subject of the October 2021 claim, and the entity that submitted the claim for
25 reimbursement to Noridian. The remittance notice reflects that the October 2021
26 claim was paid under claim number 21288839976002. The date of the remittance
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1 notice, December 30, 2021, does not reflect the date on which this claim was actually
2 paid. As noted above, the claim was paid on December 27, 2021.

3 8. Plaintiff states in his status report that the October 2021 claim “was
4 denied in a Medicare Summary Notice (MSN) sent on November 10, 2021.” ECF No.
5 35 at 1. The November 10, 2021, MSN to which Plaintiff refers was issued before
6 Noridian corrected its erroneous denial of this claim. It is my understanding that a
7 subsequent MSN, dated January 21, 2022, shows that the October 2021 claim was
8 paid under claim number 21288839976002.
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11 9. Appended to Plaintiff’s status report is a redetermination decision issued
12 by Noridian for the October 2021 claim. ECF No. 35-2 (Exhibit B). The decision is
13 dated January 6, 2022, which is 10 days after Noridian paid the claim on December
14 27, 2021. The fact that this redetermination decision purports to deny coverage does
15 not mean that Plaintiff is responsible for paying the October 2021 claim. The person
16 who issued this decision on January 6 did not realize the claim had originally been
17 denied in error, and that Noridian had corrected the error and issued payment 10 days
18 earlier. Had the person who issued the decision been aware of that fact, the appeal
19 would have been dismissed.
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23 10. Also appended to Plaintiff’s status report is a letter from Maximus
24 Federal to Plaintiff dated March 1, 2022. ECF No. 35-3 (Exhibit C). In this letter,
25 Maximus Federal acknowledges receipt of Plaintiff’s request for reconsideration of
26 Noridian’s January 6, 2022, redetermination decision.
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11. Attached hereto as **Exhibit B** are true and correct copies of (1) a letter dated March 18, 2022, from Maximus Federal to Plaintiff; and (2) a letter dated March 23, 2022, from Noridian to Plaintiff. Together, these letters reflect that Plaintiff's appeal of the October 2021 claim has been dismissed because the claim has been paid.

12. The January 2022 claim was paid by Noridian on February 2, 2022. Payment was issued under claim number 22027829096000.

13. Attached hereto as **Exhibit C** is a true and correct copy of a remittance record for the January 2022 claim. This remittance record reflects that Noridian issued payment to MiniMed under claim number 22027829096000. The date of the remittance record, February 10, 2022, does not reflect the date on which this claim was actually paid. As noted above, the claim was paid on February 2, 2022. The reason this remittance record is in a different format than the remittance notice for the October 2021 claim attached hereto as Exhibit A is that Noridian could not obtain a copy of the full remittance notice on short notice. The remittance record was pulled from Noridian's provider portal and reflects the same information that would be included in the full remittance notice.

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1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above
2 statements are true and correct.

3 DATED: March 24, 2021
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5 Respectfully submitted,
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7 /s/Karen Grasso
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9 Karen Grasso
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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2022, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

NAME & ADDRESS	Method of Delivery
Roger Townsend BRESKIN JOHNSON TOWNSEND 1000 Second Ave., Suite 3670 Seattle, WA 98104	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____
James Pistorino PARRISH LAW OFFICES 788 Washington Road Pittsburgh, PA 15228	<input checked="" type="checkbox"/> CM/ECF System <input type="checkbox"/> Electronic Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other: _____

s/John T. Drake
John T. Drake